

ASSEMBLY BILL

No. 2536

**Introduced by Assembly Member Scott
(Principal coauthor: Assembly Member Jackson)**

February 24, 2000

An act to amend Section 11106 of the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2536, as introduced, Scott. Crime prevention: criminal history information.

Existing law requires the Attorney General to maintain a registry of specified information concerning pistols, revolvers, and other firearms capable of being concealed on the person and to include in the registry specified data provided to the Department of Justice on the Dealers' Record of Sale.

This bill would require that specified law enforcement officers be furnished, upon proper application, information that a person has been determined to be prohibited from possessing a firearm because he or she is within a prohibited class due to a mental or emotional impairment or is subject to a specified protective or restraining order or has any other disqualifying conviction.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is
2 amended to read:

3 11106. (a) (1) In order to assist in the investigation
4 of crime, the arrest and prosecution of criminals, and the
5 recovery of lost, stolen, or found property, the Attorney
6 General shall keep and properly file a complete record of
7 all copies of fingerprints, copies of applications for
8 licenses to carry firearms issued pursuant to Section
9 12050, information reported to the Department of Justice
10 pursuant to Section 12053, dealers' records of sales of
11 firearms, reports provided pursuant to Section 12072 or
12 12078, forms provided pursuant to Section 12084, reports
13 provided pursuant to Section 12071 that are not dealers'
14 records of sales of firearms, and reports of stolen, lost,
15 found, pledged, or pawned property in any city or county
16 of this state, and shall, upon proper application therefor,
17 furnish to the officers mentioned in Section 11105, hard
18 copy printouts of those records as photographic,
19 photostatic, and nonerasable optically stored
20 reproductions.

21 (2) *When it is determined that a person listed in the*
22 *Department of Justice Automated Firearms System, or a*
23 *person in possession of a firearm, is prohibited from*
24 *possessing a firearm because that person is within a class*
25 *prohibited by Section 8100 or 8103 of the Welfare and*
26 *Institutions Code or is subject to a disqualifying domestic*
27 *protective order or restraining order as described in*
28 *subdivision (g) of Section 12021, or has any other*
29 *disqualifying conviction, that information shall be*
30 *furnished, upon proper application, to the officers*
31 *mentioned in Section 11105 through the California Law*
32 *Enforcement Telecommunications System (CLETS).*

33 (b) (1) Notwithstanding subdivision (a), the
34 Attorney General shall not retain or compile any
35 information from reports filed pursuant to subdivision (a)
36 of Section 12078 for firearms that are not pistols,
37 revolvers, or other firearms capable of being concealed
38 upon the person, from forms submitted pursuant to



1 Section 12084 for firearms that are not pistols, revolvers,
2 or other firearms capable of being concealed upon the
3 person, or from dealers' records of sales for firearms that
4 are not pistols, revolvers, or other firearms capable of
5 being concealed upon the person. All copies of the forms
6 submitted, or any information received in electronic
7 form, pursuant to Section 12084 for firearms that are not
8 pistols, revolvers, or other firearms capable of being
9 concealed upon the person, or of the dealers' records of
10 sales for firearms that are not pistols, revolvers, or other
11 firearms capable of being concealed upon the person shall
12 be destroyed within five days of the clearance by the
13 Attorney General, unless the purchaser or transferor is
14 ineligible to take possession of the firearm. All copies of
15 the reports filed, or any information received in
16 electronic form, pursuant to subdivision (a) of Section
17 12078 for firearms that are not pistols, revolvers, or other
18 firearms capable of being concealed upon the person shall
19 be destroyed within five days of the receipt by the
20 Attorney General, unless retention is necessary for use in
21 a criminal prosecution.

22 (2) A peace officer, the Attorney General, a
23 Department of Justice employee designated by the
24 Attorney General, or any authorized local law
25 enforcement employee shall not retain or compile any
26 information from a firearms transaction record, as
27 defined in paragraph (5) of subdivision (c) of Section
28 12071, for firearms that are not pistols, revolvers, or other
29 firearms capable of being concealed upon the person
30 unless retention or compilation is necessary for use in a
31 criminal prosecution or in a proceeding to revoke a
32 license issued pursuant to Section 12071.

33 (3) A violation of this subdivision is a misdemeanor.

34 (c) (1) The Attorney General shall permanently keep
35 and properly file and maintain all information reported
36 to the Department of Justice pursuant to Sections 12071,
37 12072, 12078, 12082, and 12084 or any other law, as to
38 pistols, revolvers, or other firearms capable of being
39 concealed upon the person and maintain a registry
40 thereof.

1 (2) The registry shall consist of all of the following:

2 (A) The name, address, identification of, place of birth
3 (state or country), complete telephone number,
4 occupation, sex, description, and all legal names and
5 aliases ever used by the owner or person being loaned the
6 particular pistol, revolver, or other firearm capable of
7 being concealed upon the person as listed on the
8 information provided to the department on the Dealers'
9 Record of Sale, the Law Enforcement Firearms Transfer
10 (LEFT), as defined in Section 12084, or reports made to
11 the department pursuant to Section 12078 or any other
12 law.

13 (B) The name and address of, and other information
14 about, any person (whether a dealer or a private party)
15 from whom the owner acquired or the person being
16 loaned the particular pistol, revolver, or other firearm
17 capable of being concealed upon the person and when
18 the firearm was acquired or loaned as listed on the
19 information provided to the department on the Dealers'
20 Record of Sale, the LEFT, or reports made to the
21 department pursuant to Section 12078 or any other law.

22 (C) Any waiting period exemption applicable to the
23 transaction which resulted in the owner of or the person
24 being loaned the particular pistol, revolver, or other
25 firearm capable of being concealed upon the person
26 acquiring or being loaned that firearm.

27 (D) The manufacturer's name if stamped on the
28 firearm; model name or number if stamped on the
29 firearm; and, if applicable, the serial number, other
30 number (if more than one serial number is stamped on
31 the firearm), caliber, type of firearm, if the firearm is new
32 or used, barrel length, and color of the firearm.

33 (3) Information in the registry referred to in this
34 subdivision shall, upon proper application therefor, be
35 furnished to the officers referred to in Section 11105 or to
36 the person listed in the registry as the owner or person
37 who is listed as being loaned the particular pistol,
38 revolver, or other firearm capable of being concealed
39 upon the person in the form of hard copy printouts of that

1 information as photographic, photostatic, and
2 nonerasable optically stored reproductions.

3 (4) If any person is listed in the registry as the owner
4 of a firearm through a Dealers' Record of Sale prior to
5 1979, and the person listed in the registry requests by
6 letter that the Attorney General store and keep the
7 record electronically, as well as in the record's existing
8 photographic, photostatic, or nonerasable optically
9 stored form, the Attorney General shall do so within three
10 working days of receipt of the request. The Attorney
11 General shall, in writing, and as soon as practicable, notify
12 the person requesting electronic storage of the record
13 that the request has been honored as required by this
14 paragraph.

